THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27088 OF 1998

DATED 30th AUGUST, 2006

BETWEEN

Atla Ramanaiah

… Petitioner

and

The District Collector, Nellore and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27088 OF 1998

ORDER:

The petitioner is resident of Kondapuram village of Vakadu Mandal in Nellore District. He filed the present writ petition aggrieved by the action of the respondents in assigning the land in survey Nos.199/1, 4, 5, 6 and 7 (subject land, for brevity) of the said village, seeking appropriate orders.

It is the case of the petitioner that the subject land is classified as cattle poramboke, which is being used by about fifteen (15) ryots in milking cattle. When Atla Allaiah and others made an application to the Mandal Revenue Officer, Vakadu Mandal (MRO) for assigning the land as house sites, the MRO submitted proposals for re-classifying the land. When A-1 notice was published in the village on 23.07.1998, the petitioner came to know about the same and filed the present writ petition contending that as per Para 4 of BSO 15, the assignment of cattle stand, which is the property of village community, cannot be assigned as house sites and that as the subject land is entered in the prohibitory order book, the same cannot be assigned. A Xerox copy of the prohibitory order in respect of Kondapur village is also annexed to the writ petition.

The MRO, fourth respondent, has filed counter affidavit opposing the writ petition. It is stated that the land in survey No.199/1 is not being used as cattle stand, but the land admeasuring Acs.1.88 cents adjoining the subject land is being used as cattle stand. Therefore, leaving this extent of land, the Revenue Divisional Officer transferred Acs.5.48 cents to Assessed Waste Dry by proceedings, dated 21.12.1995. It is also stated that in addition to the land in survey No.199/1, another extent of Acs.3.72 cents in survey No.199/3 is also classified as cattle stand poramboke and thus the total extent of Acs.5.60 cents is available for that purpose. As per the instructions of the District Collector, report was called for. Mandal Revenue Inspector submitted a report stating that no objections were received for conversion of the land for assignment of pattas and therefore the proposals were submitted to assignment committee for distribution of pattas to eligible sivaizamadars. It is further stated that the Government have delegated the powers of the District

Collector to the Revenue Divisional Officer vide proceedings in G.O.Ms.No.1187, dated 02.09.1975 for change of classification of the land and accordingly Revenue Divisional Officer issued proceedings, dated 21.12.1998 for change of classification of land from cattle stand to Assessed Waste Dry.

The petitioner has not filed any reply affidavit denying the counter averments. A perusal of the counter affidavit would show that before changing the classification from cattle stand poramboke to Assessed Waste Dry, the respondents have followed due process of law in issuing notice in form A-1 and as no objections have been received, the Revenue Divisional Officer issued proceedings on 21.12.1998 changing the classification. When once classification is changed, the land automatically gets excluded from the prohibitory order book. Further, an extent of Acs.3.72 cents in survey No.199/3 and an extent of Acs.1.88 in survey No.199/1 is kept intact as cattle stand poramboke and therefore, no prejudice would be caused to the petitioner and other cattle rearing ryots of the village.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

30.08.2006.
pln